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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,876	07/30/2003	Darren Maya	0112300-720	7942

29159 7590 04/04/2006

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EXAMINER	
NGUYEN, KIM T	

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/630,876	MAYA ET AL.	
	Examiner	Art Unit	
	Kim T. Nguyen	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) *14-25 and 33-42* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 26-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Examiner acknowledges receipt of the amendment on 12/16/05. Currently, claims 14-25 and 33-42 are withdrawn from consideration, claims 1-13 and 26-32 are examined in this office action and claims 1-42 are pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-13 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 2004/0204229) in view of Schaefer et al (US 2004/0201169).

As per claim 1-2, Walker discloses a gaming device comprising a display device 310 (Fig. 3); a plurality of matingly interconnected puzzle pieces (Fig. 10C); and a plurality of selections, each associated with a puzzle piece (paragraphs 0187-0190, 0221-0222). Walker does not disclose that allowing the player to pick selections in each play of a game until the player obtains a designated combination of the puzzle pieces in the play of the game, and awarding the player based on the designated combination obtained by the player and the selected puzzle pieces matingly connected to a puzzle piece in the designated combination. However, since Schaefer discloses

allowing the player to revealed the puzzle pieces and match the revealed pieces in each play (e.g. puzzle A, B, C or D) of the game (the game includes puzzles A, B, C and D) to the designated combination of the puzzle pieces (puzzle A or B or C or D in Fig. 2), Schaefer obviously disclose allowing the player to select the selections until the player obtains the designated combination (puzzle A or B or C or D in Fig. 2); Further, since Schaefer discloses providing an award based on a criteria for the designated combination (paragraph 0024), and since providing a payout based on the criteria such as the designated combination obtained by the player and the selected puzzle pieces matingly connected to a puzzle piece in the designated combination would have been obvious design choice. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the player to pick the selections until the player obtains a designated combination and awarding the player based on a predetermined criteria as taught by Schaefer in the game of Walker in order to allow the player chances to complete a predetermined image combination and to provide appropriate payouts to the player based on the level of progress made toward the predetermined image combination.

As per claim 3-7, Walker discloses awarding cash value to the player (paragraph 0224). Further, associating an award to each selection, summing the awards associated with the selected selections, and providing a bonus award in playing a game would have been both well-known and obvious design choice.

As per claim 8, Schaefer discloses a designated section (puzzle A, B, C, or D in Fig. 2).

As per claim 9-10, Walker discloses different puzzle pieces (paragraph 0193). Further, as to claim 9, using the same puzzle pieces in playing game would have been both well-known and obvious design choice.

As per claim 11, Walker discloses including a plurality of puzzle piece in a selection (Fig. 10 C).

As per claim 12-13, using a touch screen as a display device both well-known and obvious design choice.

As per claim 26-29, refer to discussion in claims 1 and 5-7 above.

As per claim 30-31, playing a game through an Internet network would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 32, Walker discloses storing the game program in a memory (paragraph 0098).

Response to Arguments

3. Applicant's arguments filed 12/16/05 have been fully considered but they are not persuasive.

In response to applicant's argument in page 9, last paragraph, through page 10, first and second paragraphs, since Schaefer discloses allowing the player to revealed the puzzle pieces and match the revealed pieces in each play (e.g. each puzzle A, B, C or D is considered as one play) of the game (the game includes puzzles A, B, C and D) to the designated combination of the puzzle pieces (e.g. puzzle A or B or C or D in Fig. 2) , Schaefer obviously disclose allowing the player to select the selections in each play

of the game until the player obtains the designated combination (puzzle A or B or C or D). Further, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. that the gaming device changes to a mode that does not allow additional puzzle pieces to be selected by the player; that electronic gaming machine; that stopping the player from selecting additional pieces after the winning combination is selected) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(571) 273-8300, (for formal communications; please mark "EXPEDITED PROCEDURE")

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:3OAM to 5:OOPM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (571) 273-8300.

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Date: March 30, 2006

Kim Nguyen
Primary Examiner
Art Unit 3713